

1-1 By: Carona S.B. No. 259
1-2 (In the Senate - Filed January 25, 2013; January 29, 2013,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 4, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 4, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Carona	X		
1-10	Taylor	X		
1-11	Eltife		X	
1-12	Estes	X		
1-13	Hancock	X		
1-14	Lucio	X		
1-15	Van de Putte	X		
1-16	Watson	X		
1-17	Whitmire	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 259 By: Carona

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to telecommunications services and markets.
1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-23 SECTION 1. Section 52.007, Utilities Code, is amended by
1-24 adding Subsections (d-1), (d-2), and (d-3) to read as follows:
1-25 (d-1) The commission may not require a nondominant carrier
1-26 to obtain advance approval for a filing with the commission or a
1-27 posting on the nondominant carrier's Internet website that adds,
1-28 modifies, withdraws, or grandfathers a retail service or the
1-29 service's rates, terms, or conditions.
1-30 (d-2) In this subsection, "deregulated company" and
1-31 "transitioning company" have the meanings assigned by Section
1-32 65.002. The commission may not require a deregulated company or
1-33 transitioning company to obtain advance approval for a filing with
1-34 the commission or a posting on the company's Internet website that
1-35 adds, modifies, withdraws, or grandfathers:
1-36 (1) a nonbasic retail service or the service's rates,
1-37 terms, or conditions; or
1-38 (2) for a market that has been deregulated, a basic
1-39 network service or the service's rates, terms, or conditions.
1-40 (d-3) Unless an interconnection agreement contract
1-41 specifies otherwise, an incumbent local exchange carrier shall
1-42 continue to provide to affected resellers of retail services the
1-43 same notice of rate changes or withdrawal of detariffed services
1-44 that it was required to provide prior to detariffing.
1-45 SECTION 2. Section 52.154, Utilities Code, is amended to
1-46 read as follows:
1-47 Sec. 52.154. COMMISSION MAY NOT OVERBURDEN. The commission
1-48 may not, by a rule or regulatory practice adopted under this
1-49 chapter, impose on a nondominant telecommunications utility a
1-50 greater regulatory burden than is imposed on:
1-51 (1) a holder of a certificate of convenience and
1-52 necessity serving the same area; or
1-53 (2) a deregulated company, as defined by Section
1-54 65.002, that:
1-55 (A) has 500,000 or more access lines in service
1-56 at the time it becomes a deregulated company; or
1-57 (B) serves an area also served by the nondominant
1-58 telecommunications utility [serving the same area].
1-59 SECTION 3. Subchapter E, Chapter 58, Utilities Code, is
1-60 amended by adding Section 58.156 to read as follows:

2-1 Sec. 58.156. REGULATION OF SERVICES. Sections 55.001,
 2-2 55.002, 55.003, and 55.004 do not apply to retail nonbasic services
 2-3 offered by an electing company or by a transitioning company, as
 2-4 defined by Section 65.002.

2-5 SECTION 4. Section 65.101, Utilities Code, is amended by
 2-6 adding Subsection (c) to read as follows:

2-7 (c) A deregulated company that holds a certificate of
 2-8 operating authority is a nondominant carrier.

2-9 SECTION 5. Section 65.102, Utilities Code, is amended to
 2-10 read as follows:

2-11 Sec. 65.102. REQUIREMENTS. (a) A deregulated company that
 2-12 holds a certificate of operating authority issued under this
 2-13 subchapter[+]

2-14 ~~[(1) is a nondominant carrier governed in the same~~
 2-15 ~~manner as a holder of a certificate of operating authority issued~~
 2-16 ~~under Chapter 54,~~

2-17 ~~[(2)] is not required to:~~

2-18 ~~(1) [(A)] fulfill the obligations of a provider of~~
 2-19 ~~last resort;~~

2-20 ~~(2) [(B)] comply with retail quality of service~~
 2-21 ~~standards or reporting requirements;~~

2-22 ~~(3) [(C)] file an earnings report with the commission~~
 2-23 ~~unless the company is receiving support from the Texas High Cost~~
 2-24 ~~Universal Service Plan; or~~

2-25 ~~(4) [(D)] comply with a pricing requirement other than~~
 2-26 ~~a requirement prescribed by this subchapter[, and~~

2-27 ~~[(3) is subject to the following provisions in the~~
 2-28 ~~same manner as an incumbent local exchange company that is not~~
 2-29 ~~deregulated.~~

2-30 ~~[(A) Sections 54.156, 54.158, and 54.159;~~

2-31 ~~[(B) Section 55.012; and~~

2-32 ~~[(C) Chapter 60].~~

2-33 (b) Notwithstanding any other provision of this title, the
 2-34 commission has only the authority provided by this section over a
 2-35 deregulated company that holds a certificate of operating authority
 2-36 issued under this subchapter. Subject to Subsection (c), the
 2-37 following provisions apply to a deregulated company and may be
 2-38 enforced by the commission using the remedies provided by
 2-39 Subchapter B, Chapter 15, and Subsection (d):

2-40 (1) Subchapter A, Chapter 15;

2-41 (2) Subchapters A, C, and D, Chapter 17, as applicable
 2-42 to carriers holding a certificate of operating authority;

2-43 (3) Sections 52.007, 52.060, and 52.156;

2-44 (4) Sections 54.001, 54.002, 54.003, 54.004, 54.005,
 2-45 54.006, 54.008(a), 54.101, 54.102, 54.103, 54.105, 54.151, 54.156,
 2-46 54.158, 54.159, 54.255, 54.256, 54.257, 54.259, 54.260, and 54.261;

2-47 (5) Sections 55.010, 55.015, 55.123, 55.133, 55.134,
 2-48 55.136, and 55.137;

2-49 (6) Chapter 56, except Subchapters F and G;

2-50 (7) Chapter 60;

2-51 (8) Chapter 62;

2-52 (9) Subchapter E, Chapter 64;

2-53 (10) Sections 65.001, 65.002, 65.003, and 65.004, this
 2-54 subchapter, and Subchapter E of this chapter; and

2-55 (11) Chapter 66.

2-56 (c) Nothing in this subchapter affects the continuing
 2-57 applicability of the following provisions of this title:

2-58 (1) Sections 51.003 and 51.010(c);

2-59 (2) Section 52.002(d);

2-60 (3) Sections 54.204, 54.205, and 54.206; and

2-61 (4) Section 65.051.

2-62 (d) The commission may hear complaints of retail and
 2-63 wholesale customers against deregulated companies that are in the
 2-64 scope of the commission's authority provided by this section.

2-65 ~~[Except as provided by Subsection (c), in each deregulated market,~~
 2-66 ~~a deregulated company shall make available to all residential~~
 2-67 ~~customers uniformly throughout that market the same price, terms,~~
 2-68 ~~and conditions for all basic and non-basic services, consistent~~
 2-69 ~~with any pricing flexibility available to such company.~~

3-1 ~~[(c) A deregulated company may offer to an individual~~
3-2 ~~residential customer a promotional offer that is not available~~
3-3 ~~uniformly throughout the market if the company makes the offer~~
3-4 ~~through a medium other than direct mail or mass electronic media and~~
3-5 ~~the offer is intended to retain or obtain a customer.]~~

3-6 SECTION 6. Section 55.012, Utilities Code, is repealed.

3-7 SECTION 7. This Act takes effect September 1, 2013.

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